

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

United States of America,

Plaintiff,

v.

One 2003 Ferrari Enzo AB Version E,  
VIN #: ZFFCZ56B000132659; *et al.*

Defendants.

Civil Action No.: 1:24-cv-1345 (MAD/DJS)

**AFFIDAVIT IN SUPPORT OF THE UNITED STATES'  
EX PARTE MOTION FOR A WARRANT TO SEIZE REAL PROPERTY**

State of New York )  
                         ) ss:  
County of Onondaga )

ELIZABETH A. CONGER, being duly sworn, deposes and says as follows:

1. I am an Assistant United States Attorney for the Northern District of New York. I represent the United States in this action.
2. On Wednesday, March 26, 2025, I spoke with counsel for B and R Acquisition Partners, LLC and JHM Lending Ventures, LLC, Attorney M. Patrick Everman in connection with the claim filed by his client in the above-captioned matter. During this conversation, Mr. Everman advised that his client had been informed by a realtor in the Virginia Beach, Virginia area that the Defendant Real Property was unoccupied, appliances had been removed, and the property had incurred damage.
3. Prior to this conversation with Attorney Everman, the government had understood that the Defendant Real Property was resided in by Ms. Kimberly Humphrey and her family.
4. The government had attempted to personally serve Ms. Humphrey with notice of

the Amended Verified Complaint in February, but was unable to reach her. As Ms. Humphrey was not returning the calls from the United States Marshals Service, I contacted counsel for Ms. Humphrey, Attorney Thomas Capezza, who agreed to accept service on her behalf. *See* Attachment A, Email of 2/28/2025.

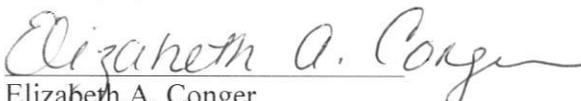
5. After speaking with Attorney Everman on Wednesday, March 26, 2025, I spoke with Attorney Capezza. After I advised Attorney Capezza of the information relayed to me by Attorney Everman, identified in paragraph 2, *supra*, Mr. Capezza contacted his client.

6. After contacting his client, Attorney Capezza called to advise that Ms. Humphrey was no longer residing at the property, that one window at the Defendant Real Property was known by his client to have been broken by her soon-to-be ex-husband, that the house was accessible through a code, and that Ms. Humphrey's soon-to-be ex-husband had the code.

7. On March 27, 2025, Attorney Capezza agreed to provide an email outlining the information that he had received from his client, in the knowledge that the information would be used in support of the government's showing of the existence of exigent circumstances meriting the issuance of a warrant for the seizure. *See* Attachment B, Email of 3/27/25.

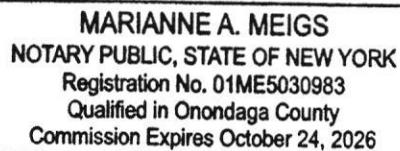
Pursuant to the 28 U.S.C. § 1746, I declare under penalty of perjury that the information set forth is true and correct.

Executed on March 31, 2025 in Syracuse, New York.

By:   
 Elizabeth A. Conger  
 Assistant United States Attorney  
 Bar Roll No. 520872

Sworn to before me this 31<sup>st</sup> day of March, 2025.

  
 Notary Public



**Attachment A**

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**From:** [Tom Capezza](#)  
**To:** [Meigs, Marianne \(USANYN\) \[Contractor\]](#)  
**Cc:** [Conger, Elizabeth \(USANYN\)](#)  
**Subject:** [EXTERNAL] RE: 600 Linkhorn Drive, Virginia Beach, VA  
**Date:** Friday, February 28, 2025 2:22:03 PM

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Good afternoon, Marianne, received.

Tom



**Thomas A. Capezza**  
*Partner*  
[tom@capezzahill.com](mailto:tom@capezzahill.com)  
[www.capezzahill.com](http://www.capezzahill.com)  
o. 518 478 6065 m.518 949 1049  
f. 518 407 5661  
30 South Pearl Street, Suite P-110  
Albany, New York 12207

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**From:** Meigs, Marianne (USANYN) [Contractor] <Marianne.Meigs@usdoj.gov>  
**Sent:** Friday, February 28, 2025 11:19 AM  
**To:** Tom Capezza <Tom@Capezzahill.com>  
**Cc:** Conger, Elizabeth (USANYN) <Elizabeth.Conger@usdoj.gov>  
**Subject:** 600 Linkhorn Drive, Virginia Beach, VA

Good morning Mr. Capezza,

Attached is the Amended Verified Complaint for Forfeiture in Rem, Notice of Complaint for Forfeiture Against Real Property and Summons, and Amended Notice of Lis Pendens for service upon Kimberly Humphrey.

Thank you.

Marianne

Marianne A. Meigs, Supervisory Paralegal, FSA Federal Contractor  
U.S. Attorney's Office, Northern District of New York  
James Hanley Federal Building  
100 South Clinton Street, Room 900  
Syracuse, New York 13261  
(315) 448-0908

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**From:** Conger, Elizabeth (USANYN) <[EConger1@usa.doj.gov](mailto:EConger1@usa.doj.gov)>  
**Sent:** Friday, February 28, 2025 10:50 AM  
**To:** Tom Capezza <[Tom@Capezzahill.com](mailto:Tom@Capezzahill.com)>

**Cc:** Meigs, Marianne (USANYN) [Contractor] <[MMeigs@usa.doj.gov](mailto:MMeigs@usa.doj.gov)>  
**Subject:** RE: 600 Linkhorn Drive, Virginia Beach, VA

Thank you, Tom. Marianne will send you the documents that the USMS sought to serve to Ms. Humphrey.

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**From:** Tom Capezza <[Tom@Capezzahill.com](mailto:Tom@Capezzahill.com)>  
**Sent:** Friday, February 28, 2025 10:48 AM  
**To:** Conger, Elizabeth (USANYN) <[EConger1@usa.doj.gov](mailto:EConger1@usa.doj.gov)>  
**Subject:** [EXTERNAL] RE: 600 Linkhorn Drive, Virginia Beach, VA

Good morning, Liz, and yes. I will accept service by email.



**Thomas A. Capezza**  
**Partner**  
[tom@capezzahill.com](mailto:tom@capezzahill.com)  
[www.capezzahill.com](http://www.capezzahill.com)  
o. 518 478 6065 m.518 949 1049  
f. 518 407 5661  
30 South Pearl Street, Suite P-110  
Albany, New York 12207

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**From:** Conger, Elizabeth (USANYN) <[Elizabeth.Conger@usdoj.gov](mailto:Elizabeth.Conger@usdoj.gov)>  
**Sent:** Friday, February 28, 2025 10:14 AM  
**To:** Tom Capezza <[Tom@Capezzahill.com](mailto:Tom@Capezzahill.com)>  
**Subject:** 600 Linkhorn Drive, Virginia Beach, VA

Tom:

Kimberly Humphrey has not been responding to the USMS phone calls in their attempt to serve her directly. Will you agree to accept service of the amended civil forfeiture complaint on her behalf?

Thanks,  
Liz

**Elizabeth Conger | Assistant United States Attorney**  
Asset Forfeiture Coordinator  
United States Attorney's Office for the Northern District of New York  
100 South Clinton Street, P.O. Box 7198, Syracuse, New York 13261-7198  
Phone: 315.448.0650 | Cell: 315.350.9114  
Email: [elizabeth.conger@usdoj.gov](mailto:elizabeth.conger@usdoj.gov)

**Attachment B**

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**From:** [Tom Capezza](#)  
**To:** Conger, Elizabeth (USANYN)  
**Subject:** [EXTERNAL] RE: 600 Linkhorn Drive, Virginia Beach, VA 23451 / 1:24-cv-1345 (MAD/DJS)  
**Date:** Thursday, March 27, 2025 4:56:43 PM

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Good afternoon, Liz.

It is my understanding:

- My Client has not lived at the subject residence since January-February 2025 – possibly MLK weekend.
- The house uses a code to gain entry.
- Others with the code, including my Client's soon-to-be former spouse, may have access to the property through the door code.
- My Client took furniture she purchased.
- Believing she owned it, my Client took a washer and dryer and put it in storage but will return it to the house.

Best,

Tom



**Thomas A. Capezza**  
*Partner*  
[tom@capezzahill.com](mailto:tom@capezzahill.com)  
[www.capezzahill.com](http://www.capezzahill.com)  
o. 518 478 6065 m.518 949 1049  
f. 518 407 5661  
30 South Pearl Street, Suite P-110  
Albany, New York 12207

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**From:** Conger, Elizabeth (USANYN) <Elizabeth.Conger@usdoj.gov>  
**Sent:** Thursday, March 27, 2025 3:53 PM  
**To:** Tom Capezza <Tom@Capezzahill.com>  
**Subject:** 600 Linkhorn Drive, Virginia Beach, VA 23451 / 1:24-cv-1345 (MAD/DJS)

Tom:

Would you be willing to send me a brief email explaining what you told me that your client advised yesterday? (That she hasn't resided in the house since February, that her soon-to-be ex-husband has access to the property through the door code.)

I would like to append the email to a motion to seize the property pre-trial, which necessitates a showing of exigent circumstances.

Thanks,  
Liz

**Elizabeth Conger | Assistant United States Attorney**  
Asset Forfeiture Coordinator  
United States Attorney's Office for the Northern District of New York  
100 South Clinton Street, P.O. Box 7198, Syracuse, New York 13261-7198  
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